Presentation title: "Inclusive education in legal education's history in England, and potentials for the future"

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ABSTRACT:

In this presentation, I examine efforts towards inclusion in the legal education arena in England, and gaps for further developments that may exist to consider. The dichotomy in the legal education field points to broad issues of approaches in skills acquisition overtime; whether of need for either theoretical or practical educational emphasis in higher education, or both, and stakeholder's role in addressing limitations or tensions that exists. There are questions in relation of the development of new areas of the study of law, what the curriculum should entail and how beneficial it would be for the students; as Hedley (1999) argues on, as to what extent the stretch of a subject should be. Its' whether certain traditional patterns or interest be emphasised in the content. As Barnett and Coate (2005) suggest with respect to determining curriculum questions, the need to bring to the perspective the idea of the purpose of education, student experience, and human development for the future. This tension appears to have been reminiscence in legal education history, and assist in understanding how best inclusive education that has beneficial purpose could be progressively attained in one stead, and the how it has been reflected in law learning curricula developments. Adding to the cultural conversation, more recently Chloë Wallace, in her work on legal education- "Beyond the Jurisdiction," has also raised concerns about the level of preparedness for the Law school in modern times, and the issues being prioritised. Boon (1998) would argue that there is the need to teach rules handling and research analysis, but also the quaking need for composite skills of lawyering in legal education. I put forward the contribution that reflecting on this issue overtime, with inclusive principles and historical lenses allow for goals of broadening perspectives, but more critically regimes of complex training models that embed practical and rigorous academic content in necessary and creative ways.

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"Acknowledging these dim realities creates an imperative for legal educators both to better understand the student experience, and especially so in terms of interpretive and explanatory models of student learning that are discipline specific. The real challenge is to focus on those transformational learning experiences that really matter" (Field, and Meyer, 2020: 152).

They argue the need to facilitate experiences that not only supports good student campus life, but as a law student aims towards a professional future of a lawyer - "those learning episodes that capture the quintessential essence of the liminal pro-cess of becoming, self-identifying as, and transforming into, a lawyer. It is self-evident that purposeful, congruent intention and self-regulated process towards achieving this outcome must be reflected within the curriculum rather than outside it in some ‘bolt-on’ tinkering" (Field, and Meyer, 2020: 152).

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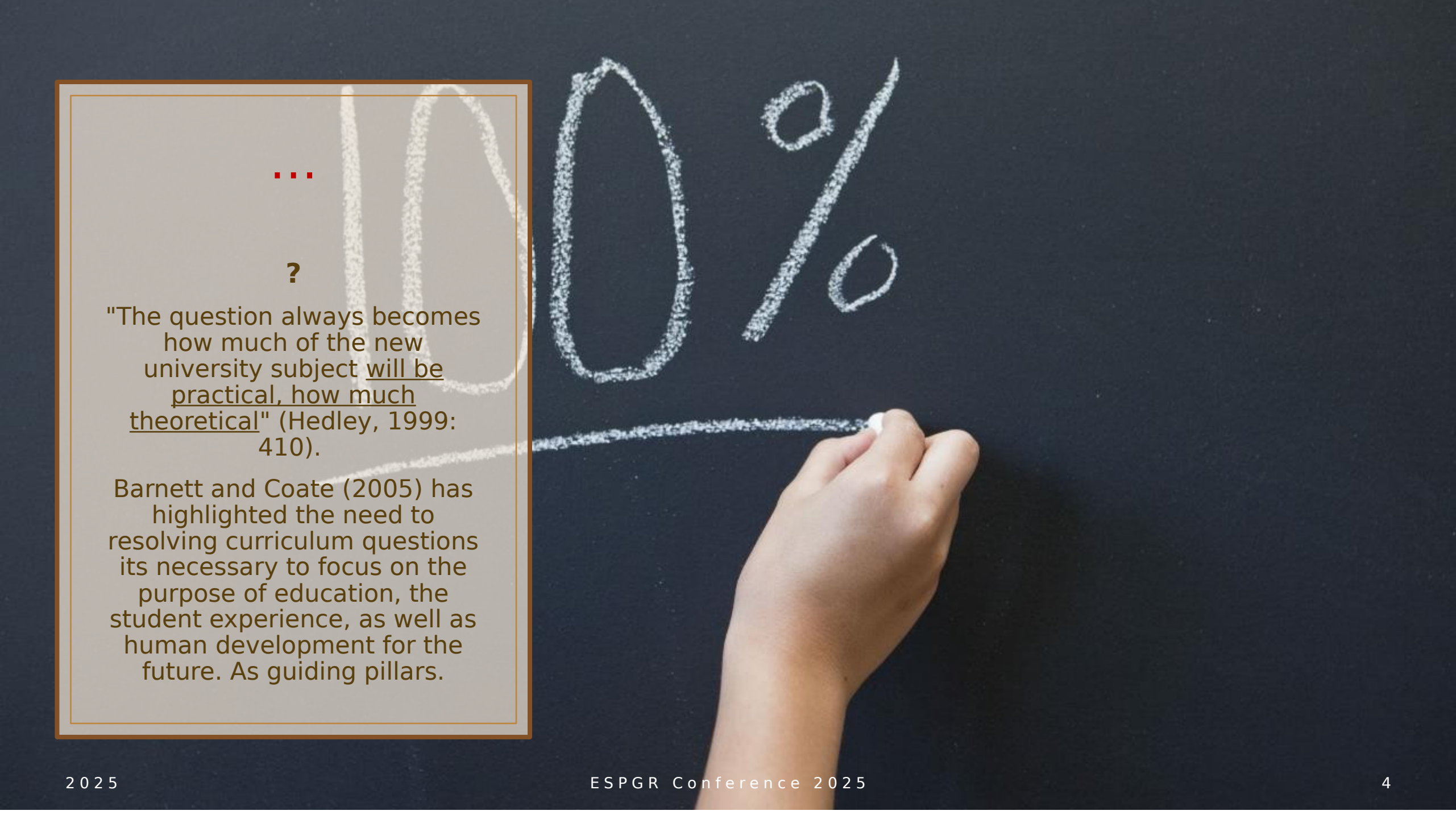
"The question always becomes how much of the new university subject will be practical, how much theoretical" (Hedley, 1999: 410).

Barnett and Coate (2005) has highlighted the need to resolving curriculum questions its necessary to focus on the purpose of education, the student experience, as well as human development for the future. As guiding pillars.



The need for 'composite skills of lawyering' have become more evident to English academics in relation to legal education, and of the conscious need to teach these skills such as of research analysis and rules handling (Boon, 1998: 158).

In exploring the relevance of legal skills a key consideration, is the extent to which its "integrated into the curricula of law schools," and often where opposition exists it "stemmed from a reluctance to embrace change" (Jones, 2022: 141-142).

Hence the need to close the vocational and academic gap.

Historically of note is, despite the inconsistency of the teaching of law variations since the 19th century (1800s) to be contrasted is the consistency in the "tension" between the study being for intellectualism or for practice (Burton, and Watkins, 2020: 35).

Burton and Watkins's point is that "while it can be argued that the lack of training in social science methods is a limitation on law students' education, a definition of interdisciplinary or socio-legal approaches which focuses on empirical research is arguably too narrow" (2020: 37). They put it in stronger terms of not providing a quality education where there is failure of a law curriculum to embrace the social dimensions, for instance studying criminal law, but in context of the relevant society it operates- "This is not only 'regrettable', but neglectful, because students need an understanding of law in the real world" (Burton, and Watkins, 2020: 41).

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The relevance of earlier teaching legal materials/ pre-20th century documents Beckerman argues that it shows these texts provide basis for formal law instructions, and the use of extracts from it, anecdotes, provides "no better way for a teacher to make a point or drive home an argument" and suggest it gave 'pedagogical utility' (Beckerman, 1999: 50).

Andrew Boon, warns, "History and politics have conspired to deprive students of the potential that skills offer a solid foundation for legal practice or lifelong learning," and the vision of closing the gap in legal education remains ‘elusive’ (Boon, 1998: 168-169).

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Wallace (2022), challenging contribution on the state of legal education, on access to wider training and comparative analysis:

"They exist in an isolated space, often demonstrating little awareness of cultural approaches to law beyond that of England and Wales, and lead students to assume that all legal systems are the same as 'our' legal system. Students who have studied A level law, for example, will have studied a syllabus entirely focused on the legal system of England and Wales. Those who have not may be getting the bulk of their knowledge about the legal system from the news and from popular culture, neither of which gives anything more than an anecdotal impression of legal diversity, if that. This is understandable; we should not expect students starting our degree programmes to know a lot about the subject. The concern, however, is when our degrees do not do much to challenge this. Specific legal subjects – contract law, tort law, criminal law – are often taught without explicit mention or recognition that this is the law of England and Wales, and that other systems or traditions may do things differently, let alone any understanding of what those differences might be. When aspects of our law come from, or are influenced from, 'outside', notably from EU law, this is frequently not mentioned, cementing the perception of laws which are untouched by external influence."

CONCLUSION:

In closing the theoretical-practical gap or delimiting groups or institutions (both in colleges and Higher education) for training cohorts with unique set of skills could be envisaged, or better still mergers of approaches that enhances research and practical competence in outcomes.

Considering the range of academic legal opinion (such as Boon; Burton and Watkins; Wallace; Field and Meyer) suggesting the need to expand legal education curriculum, I recommend that actions towards an inclusive training system which allows for access to a range of embedded specific creative trainings at HE that grants both theoretical and practical functional competences and recognisable alternative award- a sense of learning that really matter, that allows the graduated professional to hit the ground running, that ensures more formally there is support to engage and compete with actors from other fields as a productive enterprise and to form commercial partnership for research and development. Also with prospect for a life long learning potential.

Though there must be recognition of a high level theoretical appreciation for the law, there appears to be a coordinated support of multi-body interest and engagement, and cultural capital interest by stake holders.

Inclusive education in legal education, has to in some way also mean access to learning, potential for a legal career. Would a more integrated training model be helpful?

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Thanks for participating.

ANY QUESTIONS AND COMMENTS?

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